



San Diego City Attorney **CASEY GWINN**

NEWS RELEASE

FOR IMMEDIATE RELEASE: August 10, 2004

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CITY'S PARKING METER INCREASE UPHELD BY COURT

Judge Rules Increase is Not a Tax

San Diego, CA: The City prevailed in a lawsuit which challenged the increase in parking meter rates adopted by the City Council in July 2003. The previous rate of one dollar per hour was increased by twenty-five cents. Plaintiffs contended that the increase was either a special tax or a general tax requiring a two-thirds vote under the California Constitution and the San Diego Municipal Code.

“Once, again, after baseless legal arguments and a lawsuit, the City has prevailed in defending the legal integrity of the legislative action of the Mayor and Council,” said City Attorney Casey Gwinn. Gwinn has successfully defended over 25 lawsuits over the last eight years challenging the actions of the Council to implement policies related to public works projects and municipal government initiatives.

On July 23, Superior Court Judge Linda Quinn granted judgment in favor of the City, finding that parking meter charges are not taxes and that the revenue generated by the meters is properly expended by the City for the broad purposes of parking and traffic regulation. According to Senior Deputy City Attorney James M. Chapin, who presented the City's case before the Superior Court, the lawsuit was filed by Richard Rider and Edward Teyssier, represented by Bruce Henderson.

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